



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON, D.C. 20370-5100

TJR

Docket No: 3588-00

9 November 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps on 5 October 1953 at the age of 17. Your record reflects that you served for two years and three months without incident but on 29 February 1956 you were convicted by summary court-martial (SCM) of failure to go to your appointed place of duty and absence from your appointed place of duty. You were sentenced to confinement at hard labor for 30 days, reduction to paygrade E-1, and a \$50 forfeiture of pay. On 4 April and again on 2 June 1956 you were convicted by SCM of failure to go to your appointed place of duty and absence from your appointed place of duty. On 4 October 1956 you received nonjudicial punishment (NJP) for failure to obey a lawful order and were awarded restriction for two weeks.

On 4 October 1956, at the expiration of your enlistment, you were released under honorable conditions and transferred to the Marine Corps Reserve. Subsequently, upon completion of your military obligation, you received a general discharge.

Character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during

periodic evaluations. Your conduct average was 3.0. An average of 4.0 in conduct was required at the time of your separation for a fully honorable characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity. However, the Board concluded these factors and contentions were not sufficient to warrant a change in the characterization of your discharge given your frequent misconduct, which resulted in three court-martial convictions and an NJP, and since your conduct average was insufficiently high to warrant an honorable discharge. Given all the circumstances of your case, the Board concluded your discharge was proper and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director